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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,851

03/12/2004

Takashi Ono

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05/15/2008

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EXAMINER

NGUYEN, CUONG H

ART UNIT

PAPER NUMBER

3661

MAIL DATE

DELIVERY MODE

05/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/798,851	Applicant(s) ONO ET AL.	
	Examiner CUONG H. NGUYEN	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/21/2008 (THE RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/21/08</u> . | 6) <input type="checkbox"/> Other: _____ |

1. This Office Action is the answer for a communication filed on 2/21/2008 (the IDS).
2. Claims 1-15 are pending in this application.

Drawing Objection(s)

3. Fifteen sheets of formal drawings were filed. The drawings are objected to because there is no descriptive label or nothing to represent/provided for a specific computer program product asserted in claims 11-15. Corrected drawing sheets in compliance with 37 CFR 1.121 (d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121 (d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

4. An IDS was filed on 2/21/2008; and it is considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 11-15 are rejected under 35 U.S.C. 112, first paragraph, because the best mode contemplated by the inventor has not been disclosed. Evidence of concealment of the best mode is based upon claim 11 is directed to a computer program product, comprising computer program instructions (these instructions are readable by a computer); however, these claimed instructions are not disclosed.

Claim Rejections - 35 USC 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-5, 8, 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. In claims 8, and 10, there is no limitation of a step for these claims – “wherein the schedule information is contained in the information processing device.”, this phrase is not a claimed step, this is only a non-functional descriptive material that does not change the claimed step in based claims 6-7.

B. As to system claims 1-5, the claimed "capable of" clause provides language that suggests or makes optional but does not require the steps that follow that clause to be performed or does not limit the scope of a claim or claim limitation (see MPEP § 2106(11,C)). Accordingly, the metes and bound of these claims can not be ascertained by one having ordinary skill in the art

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C. Claim 7 is dependent on claim 6; therefore, all limitations of claim 6 MUST BE INCORPORATED in claim 7; however, the applicant withdraws a limitation (see “instead of comprising the step of inferring a mode ...”, claim 7, line 1-3) and substitute with another limitation – a withdrawal of limitation is not conformed to a dependent claim format.

D. Claims 11-15 are formatted as Product by Process claims:

- These claims’ languages are unclear - the examiner recognizes that these claims should be directed to a product which includes whatever actual structure is recited and whatever structure is implied by the process steps. See MPEP 2113, the claimed limitations having specific/critical limitations that do not include required physical structures.

- A claim to a device, apparatus, manufacture, or composition of matter may contain a reference to the process in which it is intended to be used without being objectionable under 35 USC 112, second paragraph, so long as it is clear that the claim is directed to the product and not the process. See MPEP 2173.05(p). This claim’s language does not “contain a reference to the process in which it is intended to be used”, this claim only teaches “a computer readable medium; computer program instructions, recorded on the computer readable medium” as structural limitations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negated by the manner in which the invention was made.

7. Claims 6, and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable by being obvious over Rafiah et al.(US Pub. 20030109266 A1).

A. Rafiah et al. suggest a method for providing information comprising:

- storing area specific information and corresponding location information in pairs in a first storage unit (see Rafiah et al., para. [0008], p0018], and [0021]),
- storing transportation and specific location information in pairs in a second storage unit (see Rafiah et al., para. [0008], p0018], and [0021]),
- Clearly suggesting of using vehicle for traveling (inferring a mode of user transportation based on location information of a user of an information processing device,
- extracting an item of area information from a storage unit, and transmitting said item of area information for processing.
- Rafiah et al. do not disclose about claimed “estimating a next stop of the mode of user transportation based on the specific location of the second storage unit and the mode of user transportation; however, the examiner recognizes that they teach about point to point/location to location traveling plans (e.g., closest stops, see Rafiah et al., para. [0021]-[0022], [0089]),

It is reasonable that various modifications of cited prior art would be apparent to those skilled in the art at the time of invention without departing from the scope and spirit of cited references. Although cited references may have been described in connection with specific preferred embodiments, it should be understood that their limitations as disclosed should not be unduly limited to such specific embodiments. These types of claimed suggestions are very well-known as different modifiable options for a travel-by-vehicle’s practices.

It would have been obvious to one of ordinary skills in the art at the time of invention to implement the disclosure of Rafiah et al. for an advantage of being able to make prediction their travel plans with available information of next destinations for traveling comfort abilities.

B. Claim 9 is obvious based on its based claim 6 because it uses a schedule information for a decision (instead of location information) – those information are non-functional descriptive materials that do not change the claimed step of inferring.

Conclusion

8. Pending claims are not patentable.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (email address: cuong.nguyen@uspto.gov). The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

/CUONG H. NGUYEN/
Primary Examiner
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